IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	**MDL 2724** **16-md-2724**
THIS DOCUMENT RELATES TO: ***ALL ACTIONS***	**HON. CYNTHIA M. RUFE**

PRETRIAL ORDER NO. 149
(SETTING CERTAIN STATE-PRODUCTION DEADLINES)

AND NOW, this 16th day of December 2020, upon consideration of the attached stipulation of counsel, submitted on behalf of their respective parties in the MDL to Set Certain State-Production Deadlines ("Stipulation"), it is hereby **ORDERED** that the Stipulation is **APPROVED** and the deadlines set forth in the Stipulation are entered as an Order of the Court.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	**MDL 2724** **16-md-2724**
THIS DOCUMENT RELATES TO: ***ALL ACTIONS***	**HON. CYNTHIA M. RUFE**

JOINT STIPULATION TO SET CERTAIN STATE-PRODUCTION DEADLINES

WHEREAS, the Court entered a Case Management Order and Discovery Schedule on October 24, 2019, Pre-trial Order No. 105/ECF 1135 ("PTO 105"), setting forth certain deadlines for the management of and discovery schedule for cases pending in the MDL as of September 1, 2019 ("Phase 1 Discovery");

WHEREAS, PTO 105, Paragraph 7 set forth certain deadlines applicable to the States concerning the production of targeted ("go get") documents, custodial documents and transactional data for Phase 1 Discovery;

WHEREAS, the Court on December 26, 2019 extended certain deadlines provided in PTO 105, including those applicable to the States in Paragraph 7, pursuant to Pre-trial Order No. 110/ECF 1179;

WHEREAS, the Court on April 27, 2020 vacated those PTO 105 deadlines extended by PTO 110 in Pre-trial Order No. 123/ECF 1363 ("PTO 123");

WHEREAS, PTO 123 ordered the States and Defendants to meet and confer with the goal of reaching negotiated timeframes, to be established by future Court Order, for the substantial completion of each States' production of targeted documents, custodial documents and transactional data for Phase 1 Discovery;

WHEREAS, the States and Defendants have since been negotiating those timeframes and deadlines for the substantial completion deadline of all State-custodial document productions in connection with Phase 1 Discovery—an agreement which the Court memorialized as part of Pre-trial Order No. 137/ECF 1512;

WHEREAS, the States and Defendants have reached an agreement on certain, remaining deadlines for each States' production of targeted documents, custodial documents and transactional data in connection with Phase 1 Discovery, as well as the manner and timing of the production of transactional data in connection with those complaints filed after September 1, 2019 ("Phase 2 Discovery");

NOW, THEREFORE, it is jointly stipulated and agreed by and among the States and Defendants, through their undersigned liaison counsel, as follows:

1. **Discovery of the States' Targeted Documents**: Production of the States' Targeted Documents for all drugs in the MDL prior to September 1, 2019 shall proceed on a rolling basis and be substantially completed by December 31, 2020. The privilege log deadline shall be February 15, 2021.

2. **Discovery of State Agencies' Structured Purchase and Reimbursement Data**: Production of State Agencies' Structured Purchase and Reimbursement Data shall proceed on a rolling basis and be subject to the varying deadlines set forth below.

    a. The following three categories constitute responsive data when producing State Agencies' purchase and reimbursement data in response to Defendants' discovery requests:

        i. all MDL drugs sold by Defendants on which the States have asserted claims;

        ii. all MDL drugs sold by non-defendant manufacturers on which the States have asserted claims;

        iii. all MDL drugs sold by both Defendants and non-defendant manufacturers on which other Plaintiffs, but not the States, have asserted claims.

    b. The parties agree to collaborate to develop an agreed upon list of National Drug Codes ("NDC") for all MDL drugs ("Agreed NDC List"). Defendants agree to provide the States with NDCs for all MDL drugs sold by Defendants. The parties agree to collaborate to compile NDCs for all MDL drugs sold by non-defendant

manufacturers. Defendants agree not to modify the Agreed NDC List after finalization for State Agencies' Structured Purchase and Reimbursement Data.

c. "MDL Drugs" shall mean any generic pharmaceutical product subject to claims in the MDL as of December 15, 2020.

d. If the Agreed NDC List is comprised of 5,000 or fewer NDCs (exclusive of NDCs already pulled), States agree to produce responsive structured data on a rolling basis and be substantially completed within 90 days after completion of the Agreed NDC List. If the Agreed NDC List (exclusive of NDCs already pulled) is comprised of more than 5,000 NDCs, parties will meet and confer to agree upon additional days as needed for production.

e. Each State retains the right to raise state-specific burden issues with respect to the production of its structured data.

3. **Discovery of the States' Custodial Files**: Production from the files of the States' Agreed Custodians (as defined in PTO 95, ¶ 1.5), or other State custodian(s) as ordered or agreed, using search terms for all drugs in the MDL prior to September 1, 2019, unless State-Specific modifications to approved search terms are agreed, shall proceed on a rolling basis and be substantially completed by March 1, 2021. The privilege log deadline shall be April 15, 2021.

It is further understood and agreed by and among the States and Defendants, through their undersigned liaison counsel, that the procedure for and timing of the production of targeted documents and custodial documents for Phase 2 Discovery shall be established by future agreement between the parties and memorialized by a future Court Order.

IT IS SO STIPULATED.

[Signatures on next page]

Dated: December 16, 2020

/s/ W. Joseph Nielsen
W. Joseph Nielsen
Assistant Attorney General
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
Tel: (860) 808-5040
Fax: (860) 808-5033
Joseph.Nielsen@ct.gov

Liaison Counsel for the States

/s/ Sheron Korpus
Sheron Korpus
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
Tel: (212) 506-1700
Fax: (212) 506-1800
skorpus@kasowitz.com

/s/ Devora W. Allon
Devora W. Allon
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel: (212) 446-5967
Fax: (212) 446-6460
devora.allon@kirkland.com

/s/ Chul Pak
Chul Pak
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1301 Avenue of the Americas, 40th Fl.
New York, NY 10019
Tel: (212) 999-5800
Fax: (212) 999-5899
cpak@wsgr.com

/s/ Sarah F. Kirkpatrick
Sarah F. Kirkpatrick
WILLIAMS & CONNOLLY, LLC
725 Twelfth Street, N.W.
Washington, D.C. 20005
Tel: (202) 434-5958
skirkpatrick@wc.com

Defendants' Liaison Counsel